IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

L.P.A.No.36 of 2004 in
CWP No.17704 of 1994
Date of decision: 21.3.2007

Uttar Haryana Bijli Vitran Nigam Limited

... Appellant.

v.

Randhir Singh

... Respondent.

CORAM: HON'BLE MR.JUSTICE VIJENDER JAIN,CHIEF JUSTICE.

HON'BLE MR.JUSTICE RAJIVE BHALLA.

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Present: Mr. Suvir Sehgal,Advocate, for the appellant

Mr.R.K.Malik, Advocate, for the respondent.

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1. Whether the Reporters of Local News paper may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

Vijender Jain, Chief Justice (Oral)

This appeal has been filed by Uttar Haryana Bijli Vitran Nigam Limited (UHBVN) aggrieved by the order dated 3.2.2003 of the learned Single Judge.

The respondent herein was issued show cause notice for major punishment under the Haryana State Electricity Board Employees (Punishment and Appeal) Regulation, 1990 (hereinafter referred to as "the Regulation"). Thereafter, charge-sheet was served. However, without holding an inquiry, minor punishments were imposed upon the respondent. The respondent impugned the aforementioned orders by way of the writ petition. The learned Single Judge vide order dated 3.2.2003, set aside the impugned order by placing reliance upon the Full Bench judgment of this Court in **Dr.K.G.Tiwari vs. State of Haryana, 2002(3)RSJ 296**. The learned Single Judge also relied upon Regulation 4 of the Regulations, which is to the effect that even a minor punishment cannot be imposed unless there are good and sufficient reasons. Consequently, the orders imposing minor punishments were also set aside being violative of Regulation 4. The writ petition was accepted, the orders impugned therein were quashed. It was however, left open to the appellant-Board to take a decision afresh by holding an inquiry in respect of the cases where charge-sheets had been issued under Regulation 7 or by passing fresh orders in cases where show causes notices had been issued for imposing minor penalities.

We have heard learned counsel for the parties and perused the impugned order. Although Regulation 8 of the Regulations, provides for imposing a minor punishment where a charge-sheet for a major punishment has been served, the appellant has itself issued a circular vide Memo No.CH-76/Reg-22/L-III dated 13.5.2003, which reads as follows:

" A copy of State Government letter No.62/77/2002-6 GSI

dated 28.2.2003 along with copy of judgment dated 20.1.2001 delivered by the Hon'ble High Court in Civil Writ Petition No.3616 of 1999 Dr.K.G.Tiwari vs. State of Haryana is sent herewith for information and further necessary action.

2. This issues with the approval of Managing Director,HVPNL, Panchkula."

It is, thus, apparent that the above circular issued with the approval of the Managing Director, has been adopted by the appellant-corporation. The circular also directs adopting of the procedure laid down in **Dr.K.G.Tiwari's case (supra)**. In view of the said circular, the appellant cannot resile therefrom. As noticed by the learned Single Judge, the orders imposing the minor penalities were also contrary to Regulation 4 of the Regulations, which requires reasons to be assigned for imposing minor penalities.

In view of what has been stated hereinabove, we find no ground to interfere in the impugned order dated 3.2.2003 of the learned Single Judge.

Dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

March 21, 2007
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